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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,622	12/21/2000	Jin Lu	US000383	1117

7590 02/12/2004

PHILIPS ELECTRONICS NORTH AMERICAN CORP  
580 WHITE PLAINS RD  
TARRYTOWN, NY 10591

EXAMINER
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USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2611/

DATE MAILED: 02/12/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/745,622

Applicant(s)

LU, JIN

Examiner

Joseph G Ustaris

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: decoder 24 should be labeled in Fig. 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vantalon et al. (US006628891B1) in view of Bertram et al. (US 20030103532A1) and Bacon et al. (US 20020101991A1).

Regarding claim 1, Vantalon et al. (Vantalon) discloses a multi-purpose digital television receiver or "set-top box" that interfaces with a conditional access module (CAM). The CAM receives out-of-band (OOB) service data or "information" from a service provider (See column 6 lines 15-20) and sends the OOB data to the microprocessor or "processor" unit of the receiver via extended channel or "transport stream channel" (See Fig. 4 and 5 and column 6 lines 50-65). However, Vantalon lacks

a system or method where the CAM sends the OOB data as packets and for the CAM to be embodied as a point of deployment (POD) module.

Bertram et al. (Bertram) discloses a method for sending data to the subscriber's equipment using content streams. The content data is configured or "constructed" as packets to be sent to the subscriber's equipment within the content stream (See paragraph 0020). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the CAM disclosed by Vantalón to send the OOB data as packets to the receiver or subscriber's equipment, as taught by Bertram, in order to provide a more organized means of sending data to the receiver so that the data can be easily updated if need be.

Bacon et al. (Bacon) discloses an external conditional access module that is used within a host terminal or "set-top box" (See Fig. 2). Bacon discloses that the external conditional access module is also known as a POD (See paragraph 0002). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the CAM disclosed by Vantalón to be embodied as a POD, as taught by Bacon, so that the module would be in accordance with a well known and established interface thereby ensuring greater compatibility between users and providers.

Regarding claim 2, Vantalón in view of Bertram and Bacon discloses that the CAM or POD includes a transmit buffer where packets are stored prior to being sent (See Vantalón column 8 lines 1-15).

Regarding claim 3, Bertram further teaches a method of combining asset or "OOB" packets with content or "in-band (IB)" packets into one transport stream. Asset packets include control scripts much like how the OOB channel is used to send control data (See paragraph 0021 lines 1-2). The content packets include content material much like how the IB channel is used to send video/audio data. Bertram combines the content packets (Labeled as C in Fig. 2) and asset packets (Labeled as A in Fig. 2) in a way so that the asset packets are placed in between the content packets or "packets between two consecutive transport packets of an original in-bound transport stream" (See Fig. 2A and 2B). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the POD disclosed by Vantalón in view of Bertram and Bacon to combine the OOB data with the IB data so that the OOB packets lie between two IB packets, as taught by Bertram, in order to reduce the number of connection needed to interface the POD with the receiver by providing only one transport stream for both IB and OOB packets.

Claims 4, 5, and 6 contains the limitations of claims 1 and 3 and is analyzed as previously discussed with respect to those claims.

Claim 7 contains the limitations of claim 1 (wherein the CAM is also known as a "data module") and is analyzed as previously discussed with respect to that claim.

Claim 8 contains the limitations of claims 2 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 9 contains the limitations of claims 3 and 7 and is analyzed as previously discussed with respect to those claims.

Claim 10 contains the limitations of claims 1 and 7 (wherein Bacon discloses a POD) and is analyzed as previously discussed with respect to those claims.

Furthermore, it is noted that smart cards, wireless data interface appliances, personal computers, or Internet appliances are well known in the art.

Claim 11 contains the limitations of claims 1, 4, 6, and 7 and is analyzed as previously discussed with respect to those claims.

Claims 12, 13, and 14 (wherein the receiver is also known as a "host device") contains the limitations of claims 1 and 3 and is analyzed as previously discussed with respect to those claims.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Paskins (US006516465B1) for a similar use of a data module.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Application/Control Number: 09/745,622

Page 6

Art Unit: 2611

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

JGU

January 28, 2004

  
HAI TRAN  
PATENT EXAMINER